THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.24340 OF 2007

Dated 16th November, 2007

Between:
Anisha Gayatri Soap Oil …Petitioner

And

The Joint Chief Environmental Engineer
And three others …Respondents

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AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.24340 OF 2007

O R D E R (Per Hon'ble Sri Bilal Nazki, the Acting Chief Justice):

Heard learned counsel for the parties. Learned Special Standing Counsel for the Andhra Pradesh Pollution Control Board has no objection if the writ petition is disposed of at this stage.

The petitioner is aggrieved of a closure order passed by the Andhra Pradesh Pollution Control Board, Zonal Office, on 17-10-2007. It appears from the order impugned that a complaint was received by the respondents from the villagers on 17-09-2007. Nothing appears to have been done till 16-10-2007 when a notice was given to the petitioner to appear on 17-10-2007. The petitioner contends that the notice dated 16-10-2007 was served on his watchman after the factory was closed and by the time he could appear before the respondents, the matter had already been decided and closure order was passed on 17-10-2007 itself.

The pollution which is alleged to have been caused by the petitioner, according to the impugned order, is that the petitioner was discharging the untreated effluent outside the premises and was heating gums in open gamela using wood as fuel and during this process, the fumes were being emitted into the atmosphere by causing nuisance to the surrounding area.

Usually after such findings by the Pollution Control Board, time is granted to the Industries to make necessary corrections, but in this case a closure order was straightaway passed without even hearing or giving a sufficient notice to hear the petitioner. Therefore, there is serious violation of rules of natural justice. Hence, the order impugned is set aside. However, since the petitioner has already received a notice, he shall file his reply within a period of one week and the respondents shall thereafter decide the matter, in accordance with merits, after hearing the petitioner. We also direct the petitioner not to discharge any untreated effluent outside the premises and not to use the process of heating the gums in open gamela by using wood as fuel.

The writ petition is accordingly disposed of. No order as to costs.

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Bilal Nazki, ACJ

Dated 16th November, 2007

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Ramesh Ranganathan,J

Note: Issue C.C in two days

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